

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MANUEL MARTINEZ

VS.

WAL-MART STORES TEXAS, LLC

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CIVIL ACTION NO.: 22-cv-1020

JURY DEMANDED

INDEX OF DOCUMENTS FILED
WITH REMOVAL ACTION

- A. Plaintiff's Original Petition.
- B. Affidavit of Service.
- C. Defendant's Answer and Affirmative Defenses to Plaintiff's Original Petition and Jury Demand.
- D. Civil Process Request.
- E. Citation.
- F. Case Summary.
- G. List of Counsel of Record.

Exhibit A

FILED
 8/16/2022 6:06 PM
 Mary Angie Garcia
 Bexar County District Clerk
 Accepted By: Martha Laura Medellin

CIT PPS / SAC 2

CAUSE NO. 2022CI15676

MANUEL MARTINEZ

Plaintiff,

v.

WAL-MART STORES TEXAS, LLC

Defendant,

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IN THE DISTRICT COURT

Bexar County - 224th District Court

BEXAR COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY

Plaintiff Manuel Martinez complains of Defendant Wal-Mart Stores Texas, LLC (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary. Plaintiff further avers that the amount in controversy does not exceed \$75,000.00.

Parties

4. Plaintiff is an individual residing in Bexar County, Texas.

5. Defendant Wal-Mart Stores Texas LLC (hereinafter “Defendant”) is a Texas entity engaged in business in Bexar County, Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

Facts

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about March 01, 2022. At that time, Plaintiff was an invitee at Defendant’s store at 1603 Vance Jackson Rd, San Antonio, TX 78213. Plaintiff was walking through Defendants store when Defendants employee knocked over several boxes with a pallet jack. Defendant failed to inspect the premises where the dangerous condition existed. Consequently, several heavy boxes fell and landed on Plaintiff’s head, shoulders, and other parts of his body. There were no warning signs present or any other signs of caution near the area where the incident occurred. Plaintiff was not aware of the dangerous and defective condition.

7. At the time of the incident in question, Plaintiff was an invitee of the Defendant. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff’s resulting injuries.

8. Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

9. Defendant is liable to Plaintiff under the theory of premises liability and negligence based on the following negligent conduct:

- a. Failure to maintain the premises, including floor and walkways, in a reasonably safe condition;
- b. Failure to inspect the premises where the dangerous condition existed;
- c. Failure to correct the condition by taking reasonable measure to safeguard persons who entered the premises;
- d. Failure to inform Plaintiff of the dangerous condition existing on the premises; and
- e. Other acts deemed negligent.

10. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

11. Defendant was also negligent in that it failed to act as a reasonably prudent premise owner would act in the same or similar situation.

Damages

12. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

13. By virtue of the actions and conduct of Defendant as set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;

- d. Past and future physical disfigurement; and
- e. Past lost wages and future loss of earning capacity.

14. By reason of the above, Plaintiff is entitled to recover damages from Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

15. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

16. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

17. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that this citation issues and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appears and answers, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre and post-judgment interest, all costs of Court, and all such other and further relief, to which Plaintiff may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/ Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana Street, Suite 1400

Houston, Texas 77002

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Exhibit B

FILED
8/23/2022 9:46 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Leticia Leija
Bexar County - 224th District Court

CAUSE NO. 2022CI15676

MANUEL MARTINEZ

Plaintiff,

VS.

WAL-MART STORES TEXAS, LLC

Defendant.

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IN THE COURT OF

BEXAR COUNTY, TEXAS

224TH JUDICIAL DISTRICT COURT

AFFIDAVIT OF SERVICE

On this day personally appeared Mauricio Segovia who, being by me duly sworn, deposed and said:

"The following came to hand on Aug 19, 2022, 9:39 am,

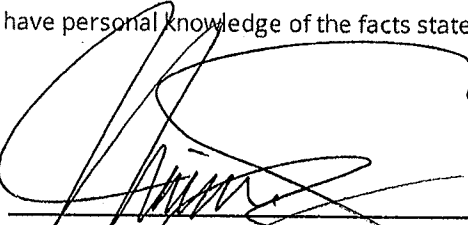
CITATION, PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY,

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201-3123 within the county of DALLAS at 11:16 AM on Fri, Aug 19 2022, by delivering a true copy to the within named

WAL-MART STORES TEXAS, LLC, BY SERVING REGISTERED AGENT, CT CORPORATION SYSTEM
accepted by Intake Specialist: Tierica Williams

in person, having first endorsed the date of delivery on same.

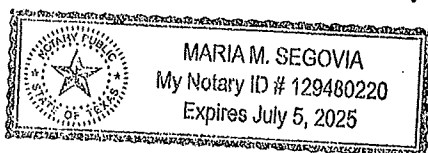
I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."


Mauricio Segovia
Certification Number: PSC-1688
Certification Expiration: 8/31/2024

BEFORE ME, a Notary Public, on this day personally appeared Mauricio Segovia, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON

8/19/2022



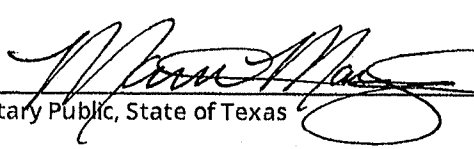

Notary Public, State of Texas

Exhibit C

FILED
9/8/2022 2:40 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Gabrielle Martinez
Bexar County - 224th District Court

CAUSE NO. 2022CI15676

MANUEL MARTINEZ	§	IN THE DISTRICT COURT OF
	§	
V.	§	224TH JUDICIAL DISTRICT
	§	
WAL-MART STORES TEXAS, LLC	§	BEXAR COUNTY, TEXAS

DEFENDANT WAL-MART STORES TEXAS, LLC'S ANSWER AND AFFIRMATIVE
DEFFENSES TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, WAL-MART STORES TEXAS, LLC ("Defendant") in the above-styled and numbered cause, and files this Original Answer, and in support hereof would respectfully show unto the Court the following.

I.

GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations made and contained in the Original Petition and any petition which Plaintiff may hereinafter file by way of amendment or supplement, and, in accordance with Texas law, demands that Plaintiff prove by a preponderance of the credible evidence each and every such allegation made and contained therein, or the prevailing standard of proof required by applicable law.

II.

AFFIRMATIVE DEFENSES

2. Pleading further, and in the affirmative, Defendant asserts the doctrine of comparative causation as set forth in Chapter 33 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, which may bar any recovery by Plaintiff, or may in the alternative reduce the amount of recovery by Plaintiff based on the Plaintiff's own percentage of fault.

3. In the alternative, and without waiving the foregoing, Defendant affirmatively pleads the defense set forth in Texas Civil Practice and Remedies Code Section 18.091, requiring Plaintiff to prove Plaintiff's loss of earning and/or loss of earning capacity in the form which represents Plaintiff's net loss after reduction for income tax payments or unpaid tax liability on said loss or earning claim pursuant to any federal income tax law. Tex. Civ. Prac. & Rem. Code Sec. 18.091. Additionally, Defendant requests the Court to instruct the jury as to whether any recovery for compensatory damages sought by the Plaintiff, if any, is subject to federal to state income taxes.

4. Additionally, to the extent Plaintiff's medical expenses exceed the amount actually paid on Plaintiff's behalf to Plaintiff's medical providers, Defendant asserts the statutory defense set forth in Section 41.0105 of the Texas Civil Practice and Remedies Code. Tex. Civ. Prac. & Rem. Code Sec. 41.0105. Thus, recovery of medical or health care expenses incurred by Plaintiff, if any, are limited to the amount actually paid or incurred by or on behalf of Plaintiff.

5. Pleading further, and in the affirmative, Defendant invokes §41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE concerning Plaintiff's claim for the recovery of health care expenses and other related damages, past and future.

6. Pleading further, Defendant would show that it is entitled to a credit or offset equal to the amount of any and all sums that the Plaintiff has received, or may hereinafter receive, by way of settlement with any person or party. Alternatively, pursuant to Rule 48 of the Texas Rules of Civil Procedure, Defendant contends that it is entitled to a proportionate reduction of any damages found against it based upon the percentage of negligence attributable to the settling tortfeasor, cross claimant, designated third party, or other party to this case.

7. Pleading further, and in the affirmative, Defendant alleges Plaintiff's claims for pre-judgment interest are limited by the dates and amounts set forth in §304.101 of the TEXAS FINANCE CODE and §41.007 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

8. Pleading further, and in the affirmative, Defendant asserts the doctrine of proportionate responsibility of TEX. CIV. PRAC. & REM. CODE Chapter 33, which may bar any recovery by Plaintiff, or may in the alternative, reduce the amount of recovery by Plaintiff based on Plaintiff's own percentage of fault.

9. Pleading further, and in the affirmative, Defendant alleges that the injuries and damages alleged by Plaintiff may be due to Plaintiff's own negligence and recklessness in that Plaintiff's failure to exercise ordinary care proximately caused, in whole or in part, the alleged injuries and damages complained of by Plaintiff. Plaintiff's acts and omissions, whether taken together or separately, may be the sole proximate cause, or a proximate cause of the injuries and damages Plaintiff has alleged in this lawsuit. Any recovery by Plaintiff is therefore barred, or alternatively should be reduced in accordance with the applicable law.

10. Pleading further, if necessary, Defendant states that the alleged occurrence, incident, event or accident made the basis of this suit may have been caused by the negligence of a third party or third parties over whom Defendant had no control and said negligence was the proximate cause, or in the alternative, the sole proximate cause of the occurrence, incident, event or accident made the basis of this suit and of the alleged damages to Plaintiff.

III.

DEMAND FOR JURY TRIAL

11. In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant

hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit against Defendant, that Defendant be discharged, and that the Court grant such other and further relief, both general and special, at law and in equity to which Defendant may be justly entitled.

Respectfully submitted,

DAW & RAY, LLP

/s/ James K. Floyd

James K. Floyd; TBN:24047628

Email: jfloyd@dawray.com

Elizabeth W. Yancy; TBN:24098642

Email: eyancy@dawray.com

14100 San Pedro Avenue, Suite 302

San Antonio, TX 78232

(210) 224-3121 Telephone

(210) 224-3188 Facsimile

ATTORNEYS FOR DEFENDANT,

WAL-MART STORES TEXAS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record named below in accordance with the TRCP on this 8th day of September 2022.

Kiernan McAlpine

DASPIT LAW FIRM

440 Louisiana Street, Suite 1400

Houston, Texas 77002

ATTORNEYS FOR PLAINTIFF

/s/ James K. Floyd

James K. Floyd

Exhibit D

FILED

8/16/2022 6:06 PM

Mary Angie Garcia

Bexar County District Clerk

Accepted By: Martha Laura Medellin

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2022CI15676CURRENT COURT: Bexar County - 224th District Court
Bexar County Judicial District CourtTYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): PLAINTIFF'S ORIGINAL PETITIONFILE DATE OF MOTION: August 16, 2022

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Wal-Mart Stores Texas, LLCADDRESS: 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Proactive Legal Solutions, box 30Phone: 832-209-7760☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☒ OTHER, explain dasplit@proactivelegal.com, e-service@dasplitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

☐ ATTORNEY PICK-UP☐ CONSTABLE☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____Phone: 832-209-7760☐ MAIL☐ CERTIFIED MAIL☐ PUBLICATION:Type of Publication: ☐ COURTHOUSE DOOR, or☐ NEWSPAPER OF YOUR CHOICE: _____☒ OTHER, explain dasplit@proactivelegal.com, e-service@dasplitlaw.com & jholder@proactivelegal.com (Emailed ONLY)

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Kiernan McAlpine TEXAS BAR NO./ID NO. 24058519MAILING ADDRESS: 440 Louisiana Street, Suite 1400, Houston, Texas 77002PHONE NUMBER: 713588-0383FAX NUMBER: 713587-9086

area code

phone number

area code

fax number

EMAIL ADDRESS: dasplit@proactivelegal.com, e-service@dasplitlaw.com, jholder@proactivelegal.com, alira@proactivelegal.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION

_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM

_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION

_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION

_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION

_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER

_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS

Exhibit E

PRIVATE PROCESS

Case Number: 2022CI15676

Manuel Martinez VS Wal-Mart Stores Texas LLC
(Note: Attached Document May Contain Additional
Litigants)

IN THE 224TH DISTRICT COURT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: Wal-Mart Stores Texas LLC
By serving its registered agent C T Corporation System

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said Original Petition And First Set Of Discovery was filed on this the 16th day of August, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 17th day of August, 2022.

MCALPINE KIERNAN
ATTORNEY FOR PLAINTIFF
440 LOUISIANA ST STE 1400
HOUSTON TX 77002



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217

San Antonio, Texas 78205
By: /s/ Diego Martinez
Diego Martinez, Deputy

MANUEL MARTINEZ VS WAL-MART STORES TEXAS LLC

Case Number: 2022CI15676
224th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION AND FIRST SET OF DISCOVERY the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M.

at _____ City _____ State _____ Zip _____

or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

Mauricio Segovia
PSC1689 Expires 8/31/2022
2022/08/19 11:20:33

Exhibit F

224th District Court

Case Summary

Case No. 2022CI15676

**Manuel Martinez VS Wal-Mart Stores
Texas LLC**

§ Location
§ **224th District Court**
§ Judicial Officer
§ **224th, District Court**
§ Filed on
§ **08/16/2022**

Case Information

Case Type: PREMISES

Case Status: **08/16/2022 Pending**

Assignment Information

Current Case Assignment

Case Number 2022CI15676

Court 224th District Court

Date Assigned 08/16/2022

Judicial Officer 224th, District Court

Events and Orders of the Court

08/16/2022 New Cases Filed (OCA)

08/16/2022 PETITION

08/16/2022 REQUEST FOR SERVICE AND PROCESS

08/17/2022 **Citation**

08/23/2022 AFFIDAVIT OF
SERVICE-MAURICIO SEGOVIA

09/08/2022

ANSWER OF

WAL-MART STORES TEXAS, LLC AND AFFIRMATIVE DEFENSES TO ORIGINAL PETITION

Exhibit G

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MANUEL MARTINEZ

VS.

WAL-MART STORES TEXAS, LLC

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§
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CIVIL ACTION NO.: 22-cv-1020

JURY DEMANDED

LIST OF COUNSEL OF RECORD

1. Kiernan McAlpine; SBN: 24058519
Email: kier@daspitlaw.com; e-service@daspitlaw.com
DASPIT LAW FIRM
440 Louisiana Street, Suite 1400
Houston, Texas 77002
(713) 322-4878 Telephone
(713) 587-9086 Facsimile
**ATTORNEYS FOR PLAINTIFF,
MANUEL MARTINEZ**
2. James K. Floyd; SBN: 24047628
Email: jfloyd@dawray.com
Elizabeth W. Yancy; SBN: 24098642
Email: eyancy@dawray.com
DAW & RAY, LLP
14100 San Pedro, Suite 302
San Antonio, Texas 78232
(210) 224-3121 Telephone
(210) 224-3188 Facsimile
**ATTORNEYS FOR DEFENDANT,
WAL-MART STORES TEXAS, LLC**